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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,877	05/10/2001	David L. Biddulph	23140.00001	5171
7590	02/23/2004		EXAMINER	
John Christopher, Esq. CHRISTOPHER & WEISBERG, P.A. 200 East Las Olas Blvd. Suite 2040 Fort Lauderdale, FL 33301			THAI, HANH B	
			ART UNIT	PAPER NUMBER
			2171	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Offic Action Summary	Application No.	Applicant(s)
	09/852,877	BIDDULPH, DAVID L.
	Examiner	Art Unit
	Hanh B Thai	2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 30 January 2004.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1- 27 and 30-34 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1- 27 and 30-34 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. _____ .
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/30/04. 5) Notice of Informal Patent Application (PTO-152)
6) Other: _____ .

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This is in response to the amendment dated January 30, 2004.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitation "the user" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitations "the user" and "the computer" in line 3 and line 5. There are insufficient antecedent basis for these limitations in the claim.

Claims 12-19, 20-26 and 30-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 12-19, what is the purpose of producing a first tangible record and how the first tangible record and second tangible record are related.

Regarding claims 20-26 and 30-33, it is not understood how the potential voter can confirm when the official ballot was already printed out. Furthermore, there is no logical connection between the steps of "printing an official ballot" and "printing a stub".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 20-21 and 31-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Hall et al. (U. S. Patent no. 6,540,138).

Regarding claim 20, Hall discloses a method of voting using a computer, the method comprising:

- receiving a voter's voting instructions (see col. 4, lines 16-36 and col.5, lines 4-8, Hall);
- printing an official ballot, the official ballot including a unique identifier corresponding to the official ballot (see col.3, lines 28-32; col.4, line 37 to col. 5, line 65, Hall). The "bar code" on the printed receipt, which is official ballot, corresponds to the unique identifier;
- allowing the potential voter to confirm that the printed official ballot represents the voter's voting instructions (see col.5, lines 59-65, Hall); and printing a stub, the stub including the unique identifier (see col.4, line 37 to col. 5, line 65, Hall).

Regarding claim 21, Hall further discloses the updating a voting results database which includes the unique identifier for each official ballot tabulated (see col.2, lines 53-60 and col.5, lines 52-62, Hall); providing access to the voting results database to the eligible voter (see col.5, lines 4-18, Hall); and requiring the eligible voter to input the unique identifier in order to gain access to the voting results database (see col. 5, lines 41-65, Hall).

Regarding claims 31-32, Hall/ McClure further discloses providing voting instructions to the voter (see col. 4, lines 16-36 and col.5, lines 4-8, Hall).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 and 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr (U. S. Patent no. 5,875,432) of record in view of Hall et al. (U. S. Patent no. 6,540,138).

Regarding claim 1, Sehr discloses an information gathering system, comprising:

- at least one computer (see col. 5, line 2, Sehr);
- at least one output device coupled to the computer (see col. 5, lines 15-18, Sehr); and
- a software component executable by the at least one computer (col. 5, lines 43-47, Sehr), the software component being arranged to validate the user (see col. 4, lines 24-27 and col. 5, line 62 to col. 6, line 9, Sehr). “customized ballot” corresponds to particular user voting campaign.

Sehr does not explicitly disclose “assign a unique identifier corresponding to an official ballot, output a voting stub and the official ballot on the output device, the official ballot and the voting stub including the unique identifier corresponding to the official ballot.”

Hall, however, discloses the voting system including the step of printing out the bar code,

preferably PDF417, with the voting selection made by a voter for confirmation of the voter's choices (see col.3, lines 28-32; col.4, line 37 to col. 5, line 65, Hall). The "bar code" on the printed receipt corresponds to the unique identifier. Therefore, Sehr and Hall combination teach the claim feature. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sehr to output the voting stub and the official ballot including the unique identifier corresponding to the official ballot because it would allow the user to confirm or revise his or her input ballot to match his or her accurate intent (see col.2, lines 53-60, Hall).

Regarding claim 2, Sehr/Hall combination further discloses an input device coupled to the computer wherein the software component is further arranged to read a completed customized ballot from the input device, check the completed customized ballot for errors and to cause the computer to provide output to the output device corresponding to the completed customized ballot (see col. 5, lines 1-5, Sehr). "smart card reader" (11, Fig. 1, Sehr) corresponds to "input device".

Regarding claim 3, Sehr/Hall combination further discloses the official ballot includes the user's vote and wherein the unique identifier is visible to the validated user to allow the validated user to verify the integrity of the validated user's vote as indicated on the official ballot (see col.4, line 37 to col. 5, line 65, Hall).

Regarding claim 4, Sehr/Hall combination further discloses a forms database accessible by the computer, the forms database including form formatting and content information (see Fig. 3, Sehr).

Regarding claim 5, Sehr/Hall combination further discloses the forms database corresponds to an official ballot forms database (see Fig.1). Tabulation database (20, Fig.1) corresponds to “forms database”.

Regarding claim 6, Sehr/Hall combination further discloses a tabulation database accessible by the validated user (20, Fig.1, Sehr).

Regarding claim 7, Sehr/Hall combination further discloses the tabulation database corresponds to an official vote tabulation database (see col. 7, lines 12-20, Sehr).

Regarding claim 8, Sehr/Hall combination further discloses the validated user accesses the tabulation database via a communication network (see col.5, lines 9-15 and col. 6, lines 62-64, Sehr).

Regarding claim 9, Sehr/Hall combination further discloses a bar code corresponding to the unique identifier is printed on at least one of the voting stub and the official ballot (see col.4, line 37 to col. 5, line 65, Hall).

Regarding claim 12, Sehr discloses a method of gathering information about a user using a computer, comprising:

- verifying that the user is eligible to participate by consulting a first database (see col. 6, lines 19-31, Sehr);
- customizing a ballot by consulting a second database (see col. 4, line 62 to col.5, line 9 and lines 24-27, Sehr).
- requiring the eligible user to provide to the computer a response to the ballot (see col. 6, lines 21-24, Sehr);
- producing a first tangible record of the response (see col. 4, lines 53-56 and Fig. 1, Sehr). The “Tabulation center” produce a first tangible record;
- producing a second tangible record of the response (see col. 4, lines 56-59 and Fig. 1, Sehr). The “Certification center” product a second tangible record;
- collecting the second tangible record (see col. 6, lines 35-44, Sehr).; and
- storing the second tangible record. The second tangible record has been produced and collected during the voting process and/or survey is stored in the second database (30, Fig.1, Sehr).

Sehr does not explicitly disclose “assign a unique identifier corresponding to an official ballot, output a voting stub and the official ballot on the output device, the official ballot and the voting stub including the unique identifier corresponding to the official ballot a unique identifier corresponding to the response and using the unique identifier to allow a user to confirm that the second tangibles record represents accurate user intent.”

Hall, however, discloses the voting system including the step of printing out the bar code, preferably PDF417, with the voting selection made by a voter for confirmation of the voter's choices (see col.3, lines 28-32; col.4, line 37 to col. 5, line 65, Hall). The "bar code" on the printed receipt corresponds to the unique identifier. Therefore, Sehr and Hall combination teach the claim feature. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sehr to use the unique identifier to allow a user to confirm that the tangible record represents accurate user intent. The motivation of doing so to allow the user to confirm or revise his or her input ballot to match his or her accurate intent (see col.2, lines 53-60, Hall).

Regarding claim 13, Sehr/Hall combination further discloses the "rejecting users not listed in the first database" (see col. 6, lines 16-18, Sehr).

Regarding claim 14, Sehr/Hall combination further discloses inputting the response into the computer; checking the response by comparing the response to a selected standard; rejecting the response if the response does not meet the requirements of the selected standard; and requiring the verified user to correct the rejected response (see col.5, lines 38-50, Hall).

Regarding claim 15, Sehr/Hall combination further discloses a single choice indicated for each individual ballot item (see col. 4, lines 42-44, Hall).

Regarding claim 16, Sehr/Hall combination further discloses the first database is an identification database comprised of user identification information (see Fig. 1, Sehr). “identification database” corresponds to “certification center” (database 30, Fig. 1, Sehr).

Regarding claims 17-18, Sehr/Hall combination further discloses the first database corresponds to an official voter registration database (see col. 4, lines 56-59, Sehr).

Regarding claim 19, Sehr/Hall combination further discloses the second database is a forms database, the forms database being comprised of form formatting and content information (see 2, Fig. 1, Sehr). The “tabulation center” corresponds to “form database”.

3. Claims 10-11 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr (U. S. Patent no. 5,875,432) of record in view of Hall et al. (U. S. Patent no. 6,540,138) and further view of McClure et al. (U. S. Patent no. 6,250,548) of record.

Regarding claim 10, Sehr/Hall combination discloses all of the claimed subject matter as discussed above, except that the unique identifier is a randomly generated number. McClure, however, discloses the unique number is randomly stored in a memory location (see col. 33, lines 30-41, McClure). It would have been obvious to one of ordinary skill in the art at the time of the invention to randomly generate that unique number and randomly store it in the memory. The motivation of doing so would have been to authenticate the voter’s identity (see col. 6, lines 6-8, McClure).

Regarding claim 11, Sehr/Hall combination further discloses the customized ballot is prepared based on at least one of a request for validated user's address (see col. 3, lines 48-50, Sehr) and a request for an allowable language preference (see col. 19, lines 1-8, McClure).

Regarding claim 34, Sehr/Hall combination further discloses that the unique identifier is printed on the official ballot and voting stub to allow for confidential verification of the integrity of the validated user's response without giving the validated user a physical copy of does not include the response user's vote (see col. 4, line 37 to col. 5, line 65, Hall).

4. Claims 22-27, 30, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al. (U. S. Patent no. 6,540,138) in view of McClure et al. (U. S. Patent no. 6,250,548) of record.

Regarding claims 22 and 24, Hall discloses all of the claimed subject matter as discussed above, except the selection of criteria includes at least one of the eligible voter's address and allowable. McClure, however, the specified request for information includes at least one of a request for validated user's address (see col. 3, lines 48-50, Sehr) and a request for an allowable language preference (see col. 19, lines 1-8, McClure). It would have been obvious to one of ordinary skill in the art at the time of the invention to randomly generate that unique number and randomly store it in the memory. The motivation of doing so would have been to authenticate the voter's identity (see col. 6, lines 6-8, McClure).

Regarding claim 23, Hall combination discloses all of the claimed subject matter as discussed above, except that the unique identifier is a randomly generated number. McClure, however, discloses the unique number is randomly stored in a memory location (see col. 33, lines 30-41, McClure). It would have been obvious to one of ordinary skill in the art at the time of the invention to randomly generate that unique number and randomly store it in the memory. The motivation of doing so would have been to authenticate the voter's identity (see col. 6, lines 6-8, McClure).

Regarding claims 25-26, Hall/ McClure combination further discloses receiving handicap access and receiving preferences from the voter (see col. 5, lines 48-55, McClure).

Regarding claim 27, Hall/McClure further combination discloses the first database corresponds to an official voter registration database (see col. 4, lines 37-43, Hall).

Regarding claim 30, Hall discloses the method further comprising:

- Scanning a completed ballot (see col.5, lines 52-58, Hall);
- printing the official ballot which and stub if no errors are detected (see col.4, line 37 to col. 5, line 65, Hall).

Hall, however, does not explicitly disclose "detecting the voter errors and printing an error report if an error is detected." McClure, however, discloses the electronic voting system including the step of detecting an error (see col.11, lines 30-31 and col.14, line 63

to col.15, line 17, McClure) and printing out records during an election (see col.15, lines 50-52, McClure). Therefore, Hall and McClure combination teaches the claimed feature. It would have been obvious to one of ordinary skill in the art at the time of the invention to user the system of Hall to generate a specialized system including the step of detecting the voter error because it would allow the user to confirm or revise input ballot to match his or her accurate intent.

Regarding claim 33, Hall/ McClure further discloses the method of assigning a unique identifier to the eligible voter; causing the unique identifier to be printed on the receipt and the official ballot; updating a voting results database with the ballot received from the eligible voter; providing access to the voting results database to the eligible voter; and requiring the eligible voter to input the unique identifier in order to gain access to the voting results database (see col.3, lines 28-32; col.4, line 37 to col. 5, line 65, Hall).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Challener et al. (US 6,081,793) disclose a method and system for secure computer moderated voting.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh B Thai whose telephone number is 703-305-4883. The examiner can normally be reached on 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Hanh Thai 
Art Unit 2171
February 10, 2004


UYEN LE
PRIMARY EXAMINER